



General Assembly

Substitute Bill No. 167

February Session, 2004

* _____SB00167PH_____031704_____*

**AN ACT CONCERNING THE PURCHASE, STORAGE AND
DISTRIBUTION OF INFLUENZA AND PNEUMOCOCCAL VACCINES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 6 of public act 03-3 of the June 30 special session is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2004*):

4 (a) Not later than September 1, [2003] 2004, and annually thereafter,
5 the Secretary of the Office of Policy and Management, in consultation
6 with the Commissioner of Public Health, shall (1) determine the
7 amount appropriated for the following purposes: (A) To purchase,
8 store and distribute vaccines for routine immunizations included in
9 the schedule for active immunization required by section 19a-7f; (B) to
10 purchase, store and distribute (i) vaccines to prevent hepatitis A and B
11 in persons of all ages, as recommended by the schedule for
12 immunizations published by the National Advisory Committee for
13 Immunization Practices, (ii) antibiotics necessary for the treatment of
14 tuberculosis and biologics and antibiotics necessary for the detection
15 and treatment of tuberculosis infections, [and] (iii) antibiotics to
16 support treatment of patients in communicable disease control clinics,
17 as defined in section 19a-216a, and (iv) vaccines to prevent influenza
18 and pneumococcal disease in persons of all ages, as recommended by
19 the schedule for immunizations published by the National Advisory

20 Committee for Immunization Practices; and (C) to provide services
21 needed to collect up-to-date information on childhood immunizations
22 for all children enrolled in Medicaid who reach two years of age
23 during the year preceding the current fiscal year, to incorporate such
24 information into the childhood immunization registry, as defined in
25 section 19a-7h, and (2) inform the Insurance Commissioner of such
26 amount.

27 (b) (1) Each domestic insurer or health care center doing life
28 insurance or health insurance business in this state shall annually pay
29 to the Insurance Commissioner, for deposit in the General Fund, a
30 health and welfare fee assessed by the Insurance Commissioner
31 pursuant to this section. Each pharmaceutical company doing business
32 in this state shall annually pay to the Secretary of the Office of Policy
33 and Management, for deposit in the General Fund, a health and
34 welfare fee assessed by the secretary pursuant to this section.

35 (2) Not later than October 1, 2003, the Insurance Commissioner shall
36 determine the fee to be assessed against each such domestic insurer or
37 health care center for the fiscal year ending June 30, 2004. Not later
38 than October 1, 2003, and annually thereafter, the Insurance
39 Commissioner shall determine the fee to be assessed against each such
40 domestic insurer or health care center for the next fiscal year. Such fee
41 shall be a percentage of the total amount appropriated, as identified in
42 subsection (a) of this section, and shall be calculated on the basis of life
43 insurance premiums and health insurance premiums and subscriber
44 charges in the same manner as calculations under section 38a-48. Not
45 later than November 1, 2003, and annually thereafter, the Insurance
46 Commissioner shall submit a statement to each such insurer and health
47 care center that includes the proposed fee for the insurer or health care
48 center calculated in accordance with this section. As used in this
49 section, "health insurance" means health insurance, as defined in
50 subdivisions (1) to (13), inclusive, of section 38a-469.

51 (3) Not later than October 1, 2004, and annually thereafter, the
52 Secretary of the Office of Policy and Management shall compile a list

53 of each pharmaceutical company doing business in this state and shall
54 determine the fee to be assessed each such pharmaceutical company.
55 Not later than November 1, 2004, and annually thereafter, the secretary
56 shall submit a statement to each such pharmaceutical company that
57 includes the proposed fee for the pharmaceutical company.

58 (c) Any domestic insurer, [or] health care center or pharmaceutical
59 company aggrieved by an assessment levied under this section may
60 appeal therefrom in the same manner as provided for appeals under
61 section 38a-52, except in the case of a pharmaceutical company, the
62 appeal shall be accompanied by a citation to the Secretary of the Office
63 of Policy and Management to appear before the court.

64 (d) For the fiscal year ending June 30, 2004, the aggregate
65 assessment under this section shall not exceed seven million one
66 hundred thousand dollars. For the fiscal year ending June 30, 2005, the
67 aggregate assessment under this section shall not exceed seven million
68 one hundred thousand dollars.

69 Sec. 2. (*Effective July 1, 2004*) (a) The Department of Public Health, in
70 consultation with the Department of Social Services, shall develop a
71 marketing and distribution plan for influenza and pneumococcal
72 vaccines. The marketing plan shall provide consumer education
73 regarding the need for and efficacy of such vaccines, and the
74 distribution plan shall recommend sites other than physicians' offices
75 or health clinics for distribution of such vaccines.

76 (b) The Department of Public Health, in developing the marketing
77 and distribution plan required by subsection (a) of this section, may
78 join with a nonprofit organization to develop and implement such
79 plan. The department may apply for, accept and expend gifts, grants
80 or donations of goods or services from public or private sources to
81 enable the marketing and distribution plan to be carried out. For
82 purposes of this subsection, "nonprofit organization" means any
83 organization that is exempt from taxation under Section 501(c)(3) of the
84 Internal Revenue Code of 1986, or any subsequent corresponding

85 internal revenue code of the United States, as from time to time
86 amended.

87 (c) Not later than August 15, 2004, the Department of Public Health
88 shall submit, in accordance with section 11-4a of the general statutes,
89 to the joint standing committee of the General Assembly having
90 cognizance of matters relating to public health, the marketing and
91 distribution plan required by subsection (a) of this section.

92 Sec. 3. (NEW) (*Effective July 1, 2004*) A hospital may administer
93 influenza and pneumococcal polysaccharide vaccines to patients, after
94 an assessment for contraindications, without a physician's order in
95 accordance with a physician-approved hospital policy. The
96 Commissioner of Public Health shall adopt regulations, in accordance
97 with the provisions of chapter 54 of the general statutes, to carry out
98 the provisions of this section.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>

Statement of Legislative Commissioners:

Language was added in subsection (c) of section 1 to clarify the appeals process for pharmaceutical companies.

PH *Joint Favorable Subst.*